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10 *Credit One Financial*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13  
14 NICOLLE FOSTER,

15 Plaintiff,

16 vs.

17 CREDIT ONE BANK, N.A.; and CREDIT  
18 ONE FINANCIAL, a Nevada corporation,

19 Defendants.

Case No.

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO  
28 U.S.C. §§ 1331 AND 1441**

20  
21 **TO: THE CLERK, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF**  
22 **NEVADA:**

23 PLEASE TAKE NOTICE that Defendant Credit One Bank, N.A. (“Credit One Bank”), by  
24 and through undersigned counsel,<sup>1</sup> hereby files this Notice of Removal of Action (“Notice”) of this  
25 case from the Eighth Judicial District Court of the State of Nevada, District Court, in which it is  
26 now pending, to the United States District Court for the District of Nevada. Federal question  
27 jurisdiction of this Court is invoked under 28 U.S.C. §1331.

28 <sup>1</sup> Credit One Bank, N.A. removes this action, but undersigned counsel represents both named Defendants.

**I. State Court Action**

Plaintiff Nicolle Foster (“Plaintiff”) filed this action against Defendants in the Eighth Judicial District Court of the State of Nevada on March 12, 2021, Case No. A-21-831003-C (the “State Court Action”). (See a true and correct copy of the Plaintiff’s Complaint attached hereto as **Exhibit A.**) Plaintiff filed her Initial Appearance Fee Disclosure on March 12, 2021. (See true and correct copies of Plaintiff’s Initial Appearance Fee Disclosure attached hereto as **Exhibit B.**) Plaintiff was electronically issued Summonses for Defendants on March 12, 2021. Copies of the Summons and Complaint were served on the registered agent for Credit One Financial on April 2, 2021. (See true and correct copies of Plaintiff’s Summons and Complaint attached hereto as **Exhibit C.**) Copies of the Summons and Complaint were served on the registered agent for Credit One Bank on April 9, 2021. (See true and correct copies of Plaintiff’s Summons and Complaint attached hereto as **Exhibit D.**)

The State Court Action generally alleges discrimination and retaliation, in violation of federal law.

**II. This Court Has Federal Question Jurisdiction Under 28 U.S.C. § 1331**

Plaintiff’s Complaint contains three causes of action. In particular, Plaintiff pursues relief under the Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101-12213, (“ADA”) for alleged employment discrimination based on her disability (Claim One); retaliation based on the ADA (Claim Two); and interference with rights under the Family Medical Leave Act (“FMLA”). ADA and the FMLA are federal laws. Accordingly, Plaintiff’s Complaint presents federal question jurisdiction under 28 U.S.C. § 1331.

**III. This Removal Is Timely**

Plaintiff served Defendants on April 2, 2021 and April 9, 2021. As this Notice is being filed on April 23, 2021, less than 30 calendar days after the Complaint was served on the first Defendant, the removal is timely pursuant to 28 U.S.C. § 1446(b).

**IV. Requirements For Removal**

Defendants have met all other requirements for removal as follows:

A. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

B. Removal is proper pursuant to 28 U.S.C. § 1441.

C. Defendant attached to this Notice as **Exhibits A through D** copies of “all process, pleadings and orders” served upon it pursuant to 28 U.S.C. § 1446(a).

D. Defendant also concurrently filed a copy of this Notice in the Eighth Judicial District Court for the State of Nevada.

E. Defendant served a copy of this Notice upon Plaintiff’s counsel.

F. Both named Defendant consent to this removal, and there are no other named Defendants to join herein or who are required to consent to this removal.

G. This Notice is executed pursuant to Federal Rule of Civil Procedure 11.

V. **Conclusion**

For the foregoing reasons, removal of this action to this Court is proper.

DATED this 23rd day of April, 2021.

**OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**

/s/ Noel M. Hicks

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*Attorneys for Defendant Credit One Bank, N.A.; and  
Credit One Financial*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically transmitted the foregoing **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §§ 1331 AND 1441** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant(s):

Robert P. Spretnak

Pursuant to FRCP 5(b), I hereby further certify that service of the foregoing was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:

Robert P. Spretnak  
Law Offices of Robert P. Spretnak  
8275 S. Eastern Avenue  
Suite 200  
Las Vegas, NV 89123  
*Attorney for Plaintiff*

DATED this 23rd day of April, 2021.

/s/ Monica Gonzalez

AN EMPLOYEE OF OGLETREE, DEAKINS,  
NASH, SMOAK & STEWART, P.C.